

## LIST OF REFERENCES – BZ/NYZS-WCS

*FA has an archive containing approximately 4,000 pages, produced in response to FA's FOIL requests. An explanatory spreadsheet is available as well. Contact [info@nyersfreedmission.org](mailto:info@nyersfreedmission.org) to request and explain your reason[s] for accessing the archive.*

### A. Laws pertaining to the incorporation and operation of BZ/NYZS

1. Regarding admission:
  - a. **Section 1 of Chapter 383 of the Laws of the State of New York of 1991** amended Section 8 of **Chapter 435 of the Laws of the State of New York 1895** and **Chapter 924 of the Laws of the State of New York of 1969**, also amended Chapter Section 8 of Chapter 435.
  - b. Culminating Chapter 383 provides New Yorkers free access three days a week [see Admissions chart above].
2. Regarding incorporation:
  - a. **Chapter 435 of the Laws of the State of New York of 1895** legislated NYZS-WCS for the purpose of “encouraging and advancing the study of zoology” and for “furnishing instruction and recreation” to New Yorkers.
  - b. **Chapter 146 of the Laws of the State of New York of 1902 amended and broadened Chapter 435's incorporating purpose by authorizing NYZS to “expend funds for zoological research and publication ... [and to] form and cooperate with other associations with similar purposes ....”**
  - c. **Chapter 924 of the Laws of the State of New York of 1969** restated NYZS's purpose to **exclude** [1] instruction and recreation of New Yorkers and [2] the undertaking to do zoological research and publication [see Incorporating v. Current Purpose chart above].

### B. New York City documents the PPP/PEC structure

3. **3/23/1897. GRANT OF SOUTH BRONX PARK to the New York Zoological Society. Resolution.**
  - a. Sets out parameters of the understanding between the NYZS and New York City through the Commissioners of Sinking Fund.
  - b. Document provided by DPR in response to FA's Freedom of Information Law [FOIL] requests.
4. Adrian Benepe. Commissioner of Parks. Undated response to H. Wallace Cheatham's **November 2010 letter** to Mayor Michael Bloomberg.
  - a. Cheatham tells Mayor Bloomberg that Parks Commissioner Benepe never responded to letter of “weeks ago.”

- b. Letter expresses concern that admission fee amounts to Central Park Zoo are too high.
  - c. [December 2010](#) letter makes clear Commissioner Benepe approved an admissions policy that violates New York State law.
  - d. Letter produced by DPR in response to FA's Freedom of Information Law [FOIL] request.
5. **["Procedures Manual."](#)** Department of Cultural Affairs. 2005.
- a. Describes the prerequisites PPP/PEC institutions and other New York City institutions must meet to qualify for City funding [see C.10 and C.11 of [LIST OF REFERENCES -- PPP](#)].
- C. **[BZ/NYZS-WCS documents pertaining to the PPP/PEC structure](#)**
6. **Objects of the Society: A Public Zoological Park for the Preservation of Our Native Animals – the Promotion of Zoology.** *[First Annual Report of The New York Zoological Society](#)*. New York. 03/15/1897.
- a. p. 13: Find the three "objects of the [NYZ] society."
  - b. Learn that in 1902, New York City gave the NYZS control of the [New York Aquarium](#), located at the time in Battery Park, Manhattan (and since 1957 in Coney Island, Brooklyn).
  - c. NOTE: By 1993, when the NYZS reincorporated as the [WCS](#), the city had handed over the reins of three other wildlife parks: the [Central Park Zoo](#), the [Queens Zoo](#) and the [Prospect Park Zoo](#).
  - d. NOTE: The impact of this reorganization begs review by New York City's Office of Corporation Counsel. [See documents below pertaining to this reorganization.]
7. **[Twenty-Seventh Annual Report of the New York Zoological Society](#)**. 06/01/1923.
- a. Provides for New Yorkers' **free access** as follows: "The said Zoological Garden and its collections **shall be free to the public without the payment of any admission fee or gratuity whatsoever for not less than seven hours a day on at least five days of the week, one or which shall be Sunday, and also on all legal holidays and half holidays**, subject to such reasonable regulations as may be made by said Society, but the said Society may close the area devoted to the collections of animals on not more than two days in each week, and on such days may charge an admission fee which shall be fixed by said Society, and all moneys derived from such admission fees shall be expended by said Society in the increase of the collections or in the improvement of said Garden or its buildings; but **the portion of the grounds situate east of Boston Road, and all the Bronx River below the Boston Road bridge shall be open to the public at all times as pleasure grounds**, subject to such reasonable

regulations as may be adopted by said Society with the approval of the Park Department, and the occupancy of that portion of the park by herds of animals or by collections, shall be subject to the consent of the Park Department.”

- b. At [163-165](#), states that the South Bronx Park could be used by the NYSZ on the conditions that “its collections shall be free to the public without the payment of any admission fee or gratuity whatsoever for not less than seven hours a day on at least five days of the week, one or which shall be Sunday, and also on all legal holidays and half holidays ... but the portion of the grounds situate east of Boston Road, and all the Bronx River below the Boston Road bridge shall be open to the public at all times as pleasure grounds, subject to such reasonable regulations as may be adopted by said Society with the approval of the Park Department.” [No mention of the “portion ... each of Boston Road ... open to the public at all times ...” in incorporating [Chapter 435 of the Laws of the State of New York of 1895](#).]

8. [Wildlife Conservation Society 120 years' timeline](#). 1988.

- a. The Wildlife Conservation Society's [120 years' timeline](#) notes at 1988, “Under contract to NYC Department of Parks and Recreations, NYZS assumes management of (and redesigns) New York City zoos. Central Parks Zoo becomes one of NYZS's wildlife parks in 1988, followed by Queens Zoo in 1992 and Prospect Park Zoo in 1992.” In 1993, “Under the leadership of President and General Director William Conway, the New York Zoological Society changes its name to the Wildlife Conservation Society.”
- b. NOTE: WCS makes no reference to its obligation to adhere to [Chapter 435 of the Laws of the State of New York of 1895](#) which incorporated the NYZS [the Bronx Zoo] and afforded NYZS [now WCS] the annual free rent and operating subsidies advantages accruing to NYZS's membership [not WCS's membership] in the PPP/PEC venture.

D. **One of the 17 PPP/PEC institutions prepares and disseminates in 1917, a report chronicling the ways in which these City-funded institutions were meeting their PPP obligation.**

9. [Guide to the Nature Treasures of New York City](#). American Museum of Natural History. 1917.

- a. American Museum of Natural History [AMNH] is the integral character in this institutional accounting though it includes descriptions of the New York Aquarium, Zoological Park and Botanical Garden, as well as the Brooklyn Museum, Botanic Garden and Children's Museum.
- b. **While focused on these institutions in 1917, FA identifies this tome as a representative model for New York City's oversight agency, the Department of Cultural Affairs [DCA], to use to provide evidence to city leaders and New Yorkers that all 17 of the PPP/PEC institutions are meeting the terms of**

controlling laws, complying contracts and DCA prerequisites to qualify for City funding.

- c. Illustrating this possibility, **FA [annotated this guide to show how the publication of a document similar to this tome would translate well for annual publication on the DCA's and each PPP/PEC institution's website.](#)**

**E. Examples of New York City's failure to comply with the PPP**

10. **Despite unrepealed New York State laws, the DCA and other City agencies entered into Amended Lease and/or new or Amended License Agreements with each of the PEC institutions, in contravention of New York State law in some instances and/or the DCA prerequisite to price tickets to "encourage attendance by a broad segment of the population of the City of New York" [see [PUBLIC-PRIVATE PARTNERSHIP](#) including [LIST OF REFERENCES – PPP D.12 a-m](#), [PARK INSTITUTIONS](#) and DCA's "[Procedures Manual](#)". These Agreements were produced in response to FA's FOIL requests. New Yorkers subsidize PPP/PEC institutions with more than \$1 BILLION annually in direct and indirect subsidies [see [FINANCIAL ANALYSIS](#)].**
11. For years, New York Botanical Garden [NYBG] has been **actively campaigning to repeal** the admission provisions of [Chapter 285 of the Laws of 1891 as amended by Chapter 465 of the Laws of 1994](#) **by removing State authority** over NYBG's admission provisions. Former Governor Andrew Cuomo's June 2, 2020 [VETO MESSAGE – No. 148](#) **quashed NYBG's efforts** as spelled out in [NY State Senate Bill S4449](#). **In the wake of Cuomo's VETO**, State Senator Alessandra Biaggi and Assemblywoman Nathalia Fernandez introduced [Senate Bill S8038](#) and [Assembly Bill A8562](#), **respectively, in an effort to contravene Cuomo's VETO.**

**Knowing the justification behind Cuomo's VETO cries out for dissemination to New Yorkers, the Adams' Administration, members of the City Council and State Legislators, because it makes even more appalling NYBG's end-run to evade Cuomo's VETO by proposing new legislation.**

Former Governor **Cuomo's VETO asserted as follows:**

**"Given the unique conditions on which the [NYBG] was established, particularly the premise that the park should be free and open to the public and a more than 100 year track record of limiting the [NYBG's] authority to charge a fee, it is prudent to veto this bill until the Legislature can provide a finding that the authority to charge a fee in perpetuity is necessary to make the [NYBG] fiscally sound. The current bill lacks any meaningful analysis and therefore provides insufficient grounds to overturn the long-standing preference to keep this public park free and open to the public. Also, concerning is the lack of analysis to whether the [NYBG] has made the grounds free for primary and secondary schools, as is required by the law. Until it can be demonstrated that the NYBG has met its current obligation, it**

would be unsound to remove the free policy from state oversight.”  
[emphasis added]

In July 2022, Governor Hochul signed [Senate Bill S8038](#) and [Assembly Bill A8562](#). Read the JUSTIFICATION section in the Bill to learn the reasoning for Hochul's approval while recognizing that **the Bill is devoid of the facts** of the history of “free access” and instruction as being “consideration” NYBG and the other PPP/PEC institutions is to provide to New Yorkers in exchange for New Yorkers providing NYBG and the other PPP/PEC institutions **\$1 BILLION** in annual “consideration” in the form of free rent, and capital and operating costs. In 2017 and 2018, New Yorkers' consideration to NYBG amounted to **\$73.3 MILLION** and **\$87.3 MILLION**, respectively. In addition, **because of free rent, NYBG amassed** an investment and endowment portfolio **\$640.4 MILLION** in 2017 to **\$678.8 MILLION** in 2018. S8303 takes effect in 2025. It should be repealed and free admission provisions for **all** New Yorkers should revert back to [Chapter 285 of the Laws of 1891](#).

- **New Yorkers must act now to STOP elected politicians from parlaying our free rights for votes.** [see [SIGN FA'S PETITION NOW!](#)]

12. New York City's Department of Parks [DPR] owns New York City's four zoos; namely, the Bronx Zoo [BZ], Central Park Zoo [CPZ], Prospect Park Zoo [PPZ] and Queens [Flushing Meadows Park] Zoo [QZ] and the New York Aquarium [NYA]. However, the BZ and NYA are overseen by New York City's Department of Cultural Affairs [DCA]. DPR contracts with the New York Zoological Society [NYZS], doing business as the Wildlife Conservation Society [WCS] to manage and operate PPZ, CPZ and QZ [see HISTORY OF NYZS-WCS.] **New York State law provides for New Yorkers' free admission to each of the NYZS-WCS venues three days in a week.** Yet **the Commissioner of the DPR**, an appointed official by an elected official, **authorizes the charging of admission fees in each venue in violation of New York State law and to the economic and cultural harm of New Yorkers.** [see [PARK INSTITUTIONS](#)]

13. [HISTORY OF NYZS-WCS](#)

- a. Informing overview of the ownership, management and operation of New York City zoos and aquarium and their impact of New Yorkers' rights.

14. [PUBLIC-PRIVATE PARTNERSHIP](#)

- a. Informing overview of the origins and purpose of the PPP and the history of its successes and weaknesses.

F. **City demonstrates that New Yorkers are on our own if we want to challenge the City's and PEC institutions' compliance with New York State and local laws or terms of superseded contracts.**

15. [“Brief Amicus Curiae for the City of New York.”](#) 2014. Supreme Court of New York. Appellate Division: First Department. *Saska et al vs. The Metropolitan Museum of Art*

consolidated with *Grunewald/Nicholson vs. The Metropolitan Museum of Art*. Corporation Counsel of the City of New York.

- a. An Amicus Brief is filed when one is not a party to the litigation but wants to support one of the parties, known as a “friend of the court” filing. **Corporation Counsel wrote in favor of The Metropolitan Museum of Art.**
- b. FA’s Founder was a party to the non-class portion of this consolidated action.
- c. **Corporation Counsel in effect demonstrates that if a New Yorker attempts to bring legal action against a PPP/PEC institution, the City will advocate on behalf of the institution and not the residents and taxpayers of New York City.**

#### G. Popular press

16. Dena Kleiman. [“Behind Inflated Attendance Figures.”](#) *The New York Times*. 2/21/1987.
  - a. **Reveals that** four of the 17 PPP/PEC institutions, namely, **the Bronx Zoo**, the New York Botanical Garden, the American Museum of Natural History and The Metropolitan Museum of Art, with the last overestimating attendance by 42%, counted visitors “[t]wice.” In the case of The Metropolitan Museum and Museum of Natural History, their figures would plummet from 7,000,000 and 5,000,000 to 3,500,000 and 2,500,000, respectively and their cost per visitor would double. Similarly, the **Bronx Zoo** and the New York Botanical Garden **would fall from 1,820,766 to 910,383** and from 1,300,000 to 650,000, respectively.
17. [Grace Glueck. “Metropolitan Museum to Institute Admission Charge”.](#) *The New York Times*. 10/09/1970.
  - a. Covers the initiation of a pay-what-you-wish-but-you-must-pay-something admission fee for all visitors, including New Yorkers, which opened the floodgates for the other PPP/PEC institutions to do similarly.
18. [“American Museum Asking Admission, But Visitor Sets It.”](#) *The New York Times*. 04/25/1971.
19. [“The Metropolitan Museum of Art’s statement on new 2013 lease.”](#) Website. Metropolitan Museum of Art. 10/24/2013.
  - a. MMA’s official statement on the amendment to its 1878 lease with the City of New York, authorizing the museum to consider a range of admission modifications in future years, subject as in the past to review and approval by the City.
  - b. Article reveals that The Metropolitan Museum had been untruthful in reporting to the New York City courts that a 1970 agreement with the City authorized The Met to operate using a pay-what-you-wish-but-you-must-pay-something admissions policy, yet the 1878 Lease was not amended.
20. [Randy Kennedy. “New York City Amends Fee Policy for a Visit to the Met”.](#) *The New York Times*, 10/24/2013.
  - a. Article reports on an Amendment to The Metropolitan Museum’s, the American Museum of Natural History’s and the Museum of the City of New

York's Leases, during the Bloomberg administration, where the Mayor, in effect provided these institutions the right to "make an admission fee mandatory," despite no evidence that the Office of Corporation Counsel had read, interpreted, and opined on the provisions of state and local laws, among other things or codified them for enforcement by oversight agencies.

- b. Article reveals that The Metropolitan Museum had been untruthful in reporting to the New York City courts that a 1970 agreement with the City authorized The Met to operate using a pay-what-you-wish-but-you-must-pay-something admissions policy yet the 1878 Lease was not amended.

21. Regarding the Kennedy article above,

- a. consider a [Settlement](#) reached in a consolidated court case against The Metropolitan Museum of Art regarding its admission policy [see Justice Kornreich's 6/6/17 Decision and Order].
- b. Then, consider [Why We Are Opposing The Proposed Metropolitan Museum Settlement](#), by Michael Hiller, principal, Hiller PC. A negation of the Settlement reported by counsel for FA Founder Pat Nicholson, party to the non-class action portion of this consolidated action.
- c. In addition, consider a New York City Corporation Counsel [Amicus Brief](#) filed in 2014 as part of this litigation and in support of The Metropolitan Museum of Art [see fuller description above].

#### H. **Financial documents**

22. [WCS IRS Form 990](#)

- a. Details WCS's finances for the fiscal years ending June 30, 2017 and 2018.

23. [WCS Consolidated financials for fiscal years ending June 30, 2017 and 2018](#)

- a. Offers an overview of WCS' financial statements for the fiscal years ending June 30, 2017 and 2018.
- b. NOTE: The audited consolidated statements do not reflect the information provided in the WCS's unaudited 2019 Impact [Annual] Report. The differences raise questions about the propriety of unaudited reporting. [see [HISTORY OF NYZS-WCS](#) and [FINANCIAL ANALYSIS](#)].

24. [WCS 2019 Impact Report](#)

- a. Reporting on fiscal years ending June 30, 2017 and 2018.